

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Pensions and Labor, to which was referred House Bill No. 1173, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 2, line 40, delete "Neither the commissioner nor any employee
- 2 or" and insert "**This section does not apply to a subpoena requesting**
- 3 **only documents or other records. Neither the commissioner nor**
- 4 **any employee or former employee of the department is subject to**
- 5 **subpoena for purposes of inquiry into any occupational safety and**
- 6 **health inspection, except in the following circumstances:**
- 7 (1) **An enforcement proceeding is brought under this chapter.**
- 8 (2) **An action is filed in which the department is a party.**
- 9 (3) **The commissioner consents in writing to waive the**
- 10 **exemption provided by this section.**
- 11 (4) **A court finds that:**
- 12 (A) **the information sought is essential to the underlying**
- 13 **case;**
- 14 (B) **there are no reasonable alternative means for**
- 15 **acquiring the information; and**
- 16 (C) **a significant injustice would occur if the requested**

1 **testimony was not available."**

2 Page 2, delete lines 41 through 42.

3 Delete page 3.

(Reference is to HB 1173 as printed January 23, 2012.)

and when so amended that said bill do pass .

Committee Vote: Yeas 9, Nays 0.

Senator Boots, Chairperson